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EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,975

Applicant(s)

RAJANI, PURSHOTAM

Examiner

Chirag G Shah

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/29/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 9, 17-21, 23-30 and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho et al. in view of Ditzik (U.S. Patent No. 5,983,073).

Referring to claim 1, Aho discloses in figure 1 of at least one PCD (PDA, device 101) having a display (display 120) and being capable of communicating with at least one multiplexing communication device (MCD) [server 151] comprising:

at least one transceiver (WaveLAN Communication Interface 181) for communicating with the at least one personal communication device (PDA 101), at least one connection (GSM Communication Interface 180) to external communications systems (Internet);

a call routing server (server 151 is controlled by a processor 160) managing communications with the at least one personal communication device (PDA 101) and the at least one connection to an external communication system (Internet) [as disclosed in figures 1 and 2 and in column 4, lines 2-21 and in column 5, lines 2-19, the Processor 160 includes hardware and software element that control the functionality of the device; the PDA device 101 can simultaneously receive signals from both communication

arrangements, the communication arrangements including a wireless link to a WaveLAN base station or a wireless link to a GSM base station];

wherein the system can transmit and receive communication via at least one external communications systems thereby providing a location independent personal telecommunications system [as disclosed in column 5, lines 2-19, the system provides a location independent telecommunication by the example of the user 201 carrying the PDA 101 in a location 210. Since user 201 is indoor, signals to and from device 101 are transmitted and received via a wireless link to a Wavelan base station 211, which in turn is connected to the Internet 175. User 201 may, however, be moving toward a door, and be about to exit to the outdoors, where communication between device 101 will transition to a second communication arrangement, utilizing a wireless link to a GSM base station 221, which in turn, is arranged to communicate with Internet 175. Thus furthermore establishing that the system provides a location independent telecommunications system since the server 151 communicates with device 101 via first and second interfaces as discussed in figure 1.

Aho discloses in figure 1 of a PDA 101 having an integrated components (110, 120, 112) for producing and receiving a wireless signal; Aho further discloses in abstract and in figure 2 that the device 101 may having a be a cellular telephone which include a speaker and a microphone; Device 101 of figure 1 includes a transceiver (communication interface 130 having antennas) for transmitting and receiving information; Aho further discloses in figure 1 of a microprocessor (processor 110 that overall controls the functionality of the device. Aho fails to disclose that the PCD (PDA) fails to explicitly

Art Unit: 2664

disclose of memory for processing information, a battery for power and a means for data entry. Ditzik teaches of a PDA computer system for personal computing and wireless communications in figure 7. Ditzik further discloses in col. 1, lines 11-18 of having a protocol computer unit capable of performing PDA like functions and wireless external communications of voice, text, graphic and image data. Ditzik discloses in the abstract of and in figure 7 of the protocol computer unit having battery power source 9, mass device memory 42 and a keyboard section 16 capable of data entry. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Aho with respect to PDA device 101 to include all the additional features in the PDA as taught by Ditzik in order to provide more extensive services having interactive capabilities to be successful for text, graphic and video applications.

Referring to claim 2, Aho discloses in figure 1 of communication interface having antenna (transceiver) 130 is a radio frequency transceiver as claim.

Referring to claim 5, Ditzik discloses in the abstract and in figure 7 of a keyboard section 16 capable of data entry.

Referring to claim 6, Ditzik discloses in col. 13, lines 30-35 wherein the means of data entry further includes a voice activated system (voice mail).

Referring to claim 9, Aho discloses in the abstract wherein the at least one PCD further includes a personal digital assistant as claim.

Referring to claim 17, Ditzik discloses in column 2, lines 33-56 wherein the system indicates of receiving text messages, which generally include called user's telephone identification as claim.

Art Unit: 2664

Referring to claim 18, Aho discloses in the abstract and in figure 2 that device 101 of figure 1 that at least one PCD further includes a telephone as claim.

Referring to claim 19, Aho discloses in the abstract wherein the telephone is a cordless telephone (portable communication device such as a telephone) as claim.

Referring to claim 20, Aho discloses in the abstract wherein the telephone is a wireless telephone (cellular telephone) as claim.

Referring to claim 21, Ditzik discloses in column 5, lines 55-60 wherein the wireless telephone is a digital cellular telephone (handset 14 may be capable of analog or digital cellular operation) as claim.

Referring to claim 23, Ditzik discloses in figure 7 wherein the memory is a mass memory device such as mass memory device known in the art is at least eight megabytes large.

Referring to claim 24, Ditzik discloses in col. 6, lines 30-45 and in col. 12, lines 8-33 that the memory is user expandable since smart cards/flash memory, ROM and other memory may be added.

Referring to claim 25, Aho discloses in column 4, lines 45-57 wherein the at least one MCD (server 51) selects which at least one connection (first interface that handles GSM or second interface that handles Waveland traffic) to external communications systems (Internet) will be used for a given call as claim.

Referring to claim 26, Aho discloses in column 5, lines 2-65 wherein the at least one MCD (server) selects the connection based effective usage of bandwidth (which is generally a function of the cost of service).

Art Unit: 2664

Referring to claim 27, Aho discloses in column 5, lines 2-65 wherein the at least one MCD (server) selects the connection based on current percentage usage of maximal capacity of each at least one connection (based on bandwidth arrangement).

Referring to claim 28, Aho discloses in column 5, lines 2-65 wherein the at least one MCD (server) selects the connection based on the range of the call (Wavelan network has a bandwidth of approximately 10Mbps, while a GSM network has a much lower bandwidth of approximately 10kbps, a user indoor may transmit/receive using a Wavelan, while a user outdoor may transmit/receive using GSM) as claim.

Referring to claim 29, Aho discloses in column 5, lines 2-65 wherein the at least one MCD (server) selects the connection based on the identity of the user of the PCD from which the call is placed (identity of user 1 located indoor and identity of user 2 located outdoor, Wavelan is used for transmission for user 1 and GSM is used for transmission for user-2) as claim.

Referring to claim 30, Aho discloses in figure 1 wherein the at least one MCD (server 221) is a multiplexing Server since GSM and Wavelan Interfaces are multiplexed) as claim.

Referring to claim 40, Aho discloses in col. 4, lines 21-57 wherein the at least one MCDS (server 151) are located in office and residential sites and foreign (remote) sites.

3. Claims 3, 4, 7, 8, 22, and 47-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik as applied to claim above, and further in view of Chen et al (U.S. Patent No. US 2001/0030950), hereinafter Chen.

Referring to claim 3, Aho in view of Ditzik fails to disclose wherein the at least one transceiver is an optical transceiver. Chen discloses in the abstract of an integrated phone-based

Art Unit: 2664

gateway system. Chen further discloses in the figure 1 and in the abstract that the home device may include PDA transceivers and allows resource sharing among optical cable connections. Therefore, it would have been obvious to modify the teachings of Aho in view of Ditzik to include that the PDA may be an optical transceiver transmitting via optical cable connections as taught by Chen in order to provide more services in various modes on an integrated phone system.

Referring to claim 4, Ditzik discloses in col. 5, lines 49-52 wherein the at least one optical transceiver operates on infrared frequencies.

Referring to claim 7, Chen discloses in claim 34 and in paragraph 0056-0058 wherein the at least one MCD (Phone based home Gateway interface 18) provides voice telephony over a wireless computer network.

Referring to claim 8, Chen discloses in paragraph 0074 wherein the at least one MCD (integrated, phone based home gateway) provides Voice Over IP communications over a wireless computer network using IEEE 802.11b protocol.

Referring to claim 22, Chen discloses in claim 7 wherein the telephone is a voice over IP device.

Referring to claim 47, Chen discloses in figure 3, claim 7 and 0074 wherein the at least one MCD (Phone based home Gateway interface) further includes a wireless Internet Protocol (IP) hub (52) running a communications Internet Protocol.

Referring to claim 48, Chen discloses in figure 3, 0061, and 0074 wherein the wireless IP hub uses a protocol selected from the group consisting of Bluetooth and IEEE 802.11b.

Art Unit: 2664

Referring to claim 49, Chen discloses in figure 1 wherein the at least one connection external communications systems (PSTN) includes a connection to a landline telephone system.

Referring to claim 50, Chen discloses in figure 2 wherein the at least one connection to external communications systems (PSTN) includes a connection via RJ-11 to a computer network (wired LAN).

4. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik as applied to claim above, and further in view of Schuster et al, hereinafter Schuster (U.S. Patent No. 6,795,429).

Referring to claim 10, Aho discloses in the abstract wherein the at least one PCD further includes a personal digital assistant as claim. Aho in view of Ditzik fails to disclose wherein the personal digital assistant farther includes an address book wherein entries in the address book can be speed dialed. Schuster discloses in column 6, lines 35-65 of a portable-information device selecting the communications partner in an address book stored within. Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of Aho in view of Ditzik to include the feature of an address book within a device as taught by Schuster in order to speed up the execution of the communication connection.

5. Claims 11, 13-16 and 53-56 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik as applied to claim above, and further in view of O'Neal et al, hereinafter O'Neal (U.S. Patent No. 6,263,064)

Referring to claims 11, 13 and 14, Aho in view of Ditzik fails to disclose of a secure user identification system. O'Neil discloses in the abstract, figure 1 and in column 7, lines 12-38

Art Unit: 2664

wherein the at least one PCD (PDA) further includes a secure user identification system storing and transmitting personal information, for allowing multiple users to access the same PCD.

Furthermore, the PDA includes a memory for storing personal data as in figure.

Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of Aho in view of Ditzik to include teachings of including a secure user identification system as taught by O'Neal in order to data integrity and secure access of services.

Referring to claim 53 and 54, O'Neil discloses in the abstract of a computer implemented control center for permitting a subscriber of a plurality of communication services wherein the at least one user can have at least one user ID and is associated with call routing preferences.

Referring to claim 56, O'Neil discloses in column 6, lines 14-34, regardless of the geographic locations from which the accessing are made, the active user ID is automatically selected based on the geographic location of the user.

Referring to claim 15, O'Neil discloses in column 8, lines 22-30 of a secure identification system wherein the secure user identification system is biometric.

Referring to claim 16, O'Neil discloses in column 8, lines 22-30 wherein the biometric user identification system is selected from the group consisting of voice-based identification, fingerprint-based identification, and combinations thereof.

6. Claims 31-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik as applied to claim above, and further in view of Artisoft (May 9, 2001).

Referring to claim 31, Aho in view of Ditzik discloses of a server that communicates with a PDA device via either first interface or second interface. Aho in view of Ditzik, however fail to disclose wherein the at least one MCD further includes a SOFTPBX server. Artisoft disclose

Art Unit: 2664

of a of a TeleVantage CTM suite including a robust, software-base PBX including integrated VoIP and supporting a wide range of analog, digital and IP handsets. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Aho in view of Ditzik to include the teachings of Artisoft in order to provide a platform that supports a broad range of compatible telephony and peripherals, and services from multiple vendors on a single system.

Referring to claim 33, Aho discloses in col. 5, lines 20-43 wherein the server is capable of transmitting between about 10 Megabits per second.

Referring to claim 34, Ditzik discloses in col. 5, lines 20-59 wherein the server's PCD capacity is limited only by limitations of size microprocessor and memory.

Referring to claim 35, Ditzik discloses in col. 5, lines 20-59 wherein the server is capable of identifying a called user by telephone number and user ID.

Referring to claim 36, Ditzik discloses in col. 5, lines 20-59 wherein the server can provide communication features selected from the group consisting of caller ID, voice mail, call forwarding, call hold, hold music, directory assistance, paging, speed dialing, and combinations thereof.

7. Claims 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik and Artisoft as applied to claim above, and further in view of Chen.

Referring to claim 32, Aho in view of Ditzik and Arisoft discloses of the server having the capability of transmitting at about 10Mbps. Aho in view of Ditzik and Arisoft fails to disclose that the server the server operates on radio frequencies and uses the IEEE 802.11b protocol. Chen discloses figure 3, 0061, and 0074 wherein the server operates on radio frequencies and uses the IEEE 802.11b protocol. Therefore, it would have been obvious to one

Art Unit: 2664

of ordinary skill in the art to modify the teachings of Aho in view of Ditzik and Artisoft to have the server operate on IEEE 802.11b protocol as taught by Chen in order to in order to provide a standard up to 11 Mbps wireless data transmission.

8. Claims 12, 51 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik and O'Neal as applied to claim above, and further in view of Nordman et. Al (U.S. Patent No. 6,678,516).

Referring to claim 12, 51, and 52, Aho in view of Ditzik and O'Neal fails to disclose wherein the personal information is at least one public key/one private key for asymmetric digital voice and data encryption. Nordman discloses in column 4, lines 23-61 of a certificate issued by the CA for user is signed using the certificate authority private key and includes data such as the name, public key, date of issue, expiration and serial number of the user. Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of including issuing at least one public key/one private key as taught by Nordman in order to provide for secure transmission of data.

9. Claims 37-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik as applied to claim above, and further in view of Chen et al. (U.S. Pub No. 2001/0030950).

Referring to claims 37-39, Aho in view of Ditzik fails to disclose the claimed limitations. Chen discloses in figure 3 and in paragraph 0066-0074 wherein the peer to peer communication, which is referenced by the names of the users of at least two of the at least one PCDS, is capable of occurring directly between at least two of the at least one PCDS. Therefore, it would have

Art Unit: 2664

been obvious to one of ordinary skill in the art to include the limitations as taught by Chen in order to allow communication among several short range point to point entities.

10. Claims 41-44, 45, 46, and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over Aho in view of Ditzik as applied to claim above, and further in view of Schuster et. Al, hereinafter Schuster (U.S. Patent No. 6,804,224).

Referring to claim 41-43 and 58, Aho in view of Ditzik fails to disclose the claimed limitation. Schuster discloses in column 7, lines 13-64 wherein each of the at least one MCD detects the at least one PCDS in close proximity, transmits the location of each the at least one PCDS to the primary MCD with which each PCD is associated, and the primary MCD for each PCD forwards calls automatically intended for the user of each PCD to the MCD in closest proximity to each PCD. Therefore, it would have been obvious to one of ordinary skill in the art to include the limitations as taught by Schuster in order to efficiently search for the nearest gateway to the callee to complete the connection using VoIP channel.

Referring to claim 44, 45, 46, 55, 59 and 60, Aho in view of Ditzik fails to disclose the limitation of the respective claim. Schuster discloses in column 7, lines 13-64 wherein the can be selective, predetermined, automatic call forwarding is based on criteria selected from the group consisting of user location, time, date, and combinations thereof. Therefore, it would have been obvious to one of ordinary skill in the art to include the limitations as taught by Schuster in order to efficiently search for the nearest gateway to the callee to complete the connection using VoIP channel.

Art Unit: 2664

11. Claims 57 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pub No. 2001/0030950), hereinafter Chen in view of Aho et al. (U.S. Patent No. 6,198,941), hereinafter Aho.

Referring to claim 57, Chen discloses in figures 2 and 3 of a method for multimode personal communication including the steps of providing a multiplexing server (phone-based home gateway interface) with landline telephone connections (PSTN Connection) and computer network connections (Ethernet LAN connection);

providing a personal communications device that communicates with the multiplexing server via wireless and wired communications media (as disclosed in figure 2 and figure 3 and in section 0187 that devices may communicate wirelessly or via wired to the phone-based home gateway];

Chen discloses in figure 2 and 3 of transmitting communication received and initiated by the system over the landline and computer network connections but fails to disclose of explicitly providing a location independent telecommunications system. Aho discloses in column 5, lines 2-19, the system provides a location independent telecommunication by the example of the user 201 carrying the PDA 101 in a location 210. Since user 201 is indoor, signals to and from device 101 are transmitted and received via a wireless link to a Wavelan base station 211, which in turn is connected to the Internet 175. User 201 may, however, be moving toward a door, and be about to exit to the outdoors, where communication between device 101 will transition to a second communication arrangement, utilizing a wireless link to a GSM base station 221, which in turn, is arranged to communicate with Internet 175. Thus furthermore establishing that the system provides a location independent telecommunications system since the server 151

Art Unit: 2664

communicates with device 101 via first and second interfaces as discussed in figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Chen to include the teachings of Aho of providing location independent telecommunications system in order to provide a speedy transition from one communication arrangement to another while eliminating data loss, ensuring the error free location independent service.

12. Claims 58-60 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Aho as applied to claim above, and further in view of Schuster et. Al, hereinafter Schuster (U.S. Patent No. 6,804,224).

Referring to claim 58, Chen in view of Aho fails to disclose the claimed limitation.

Schuster discloses in column 7, lines 13-64 wherein each of the at least one MCD detects the at least one PCDS in close proximity, transmits the location of each the at least one PCDS to the primary MCD with which each PCD is associated, and the primary MCD for each PCD forwards calls automatically intended for the user of each PCD to the MCD in closest proximity to each PCD. Therefore, it would have been obvious to one of ordinary skill in the art to include the limitations as taught by Schuster in order to efficiently search for the nearest gateway to the callee to complete the connection using VoIP channel.

Referring to claims 59 and 60, Chen in view of Aho fails to disclose the limitation of the respective claim. Schuster discloses in column 7, lines 13-64 wherein the can be selective, predetermined, automatic call forwarding is based on criteria selected from the group consisting of user location, time, date, and combinations thereof. Therefore, it would have been obvious to one of ordinary skill in the art to include the limitations as taught by Schuster in order to

Art Unit: 2664

efficiently search for the nearest gateway to the callee to complete the connection using VoIP channel.

13. Claims 61 and 62 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Aho as applied to claim above, and further in view of Nordman et. Al (U.S. Patent No. 6,678,516).

Referring to claims *61 and 62*, Chen in view of Aho fails to disclose wherein the personal information is at least one public key/one private key for asymmetric digital voice and data encryption. Nordman discloses in column 4, lines 23-61 of a certificate issued by the CA for user is signed using the certificate authority private key and includes data such as the name, public key, date of issue, expiration and serial number of the user. Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of including issuing at least one public key/one private key as taught by Nordman in order to provide for secure transmission of data.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

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Art Unit: 2664

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
November 9, 2004


Ajit Patel
Primary Examiner